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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

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9 ABEBAW KASSA,

Case No. 2:17-cv-02794-RFB-PAL

10 Petitioner,

ORDER

11 v.

12 LOMBARDO,

13 Respondent.

14 Petitioner Abebaw Kassa has submitted a *pro se* habeas corpus petition by a
15 pretrial detainee (ECF No. 1-1). His application to proceed *in forma pauperis* (ECF No.
16 1) shall be granted. The petition shall be dismissed without prejudice because Kassa he
17 has not exhausted his state-court remedies.

18 A federal court will not grant a state prisoner's petition for habeas relief until the
19 prisoner has exhausted his available state remedies for all claims raised. *Rose v. Lundy*,
20 455 U.S. 509 (1982); 28 U.S.C. § 2254(b). A petitioner must give the state courts a fair
21 opportunity to act on each of his claims before he presents those claims in a federal
22 habeas petition. *O'Sullivan v. Boerckel*, 526 U.S. 838, 844 (1999); *see also Duncan v.*
23 *Henry*, 513 U.S. 364, 365 (1995). A claim remains unexhausted until the petitioner has
24 given the highest available state court the opportunity to consider the claim through direct
25 appeal or state collateral review proceedings. *See Casey v. Moore*, 386 F.3d 896, 916
26 (9th Cir. 2004); *Garrison v. McCarthey*, 653 F.2d 374, 376 (9th Cir. 1981).

27 Here, petitioner acknowledges on the face of his petition that he has not
28 challenged his pretrial detention in state court. This court takes judicial notice of the

1 dockets of the Eighth Judicial District Court, the Nevada Supreme Court and the
2 Nevada Court of Appeals, and those dockets reflect that Kassa has not filed a state
3 court habeas petition or other filing challenging his pretrial detention. Accordingly, this
4 federal petition shall be dismissed without prejudice to petitioner filing a new federal
5 habeas petition, in a new case with a new case number and a new, completed
6 application to proceed *in forma pauperis* with the required financial information.

7 **IT IS THEREFORE ORDERED** that petitioner's application for leave to proceed
8 *in forma pauperis* (ECF No. 1) is **GRANTED**.

9 **IT IS FURTHER ORDERED** that the Clerk **shall file and ELECTRONICALLY**
10 **SERVE** the petition (ECF No. 1-1) on the respondents, for informational purposes only.

11 **IT IS FURTHER ORDERED** that the Clerk shall add Adam Paul Laxalt, Nevada
12 Attorney General, as counsel for respondents.

13 **IT IS FURTHER ORDERED** that this action is **DISMISSED** without prejudice as
14 set forth in this order.

15 **IT IS FURTHER ORDERED** that a certificate of appealability is **DENIED**.

16 **IT IS FURTHER ORDERED** that the Clerk shall enter judgment accordingly and
17 close this case.

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19 DATED 19th day of June, 2018.

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22 RICHARD F. BOULWARE, II
23 UNITED STATES DISTRICT JUDGE
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